

REMARKS

Claims 1 is amended to recite "consist of an edible protective antioxidant film, said film consisting of..." "a cellulose derivative selected from the group consisting of" "and their mixtures." Claim 7 is amended to recite "wherein a lipid or a combination of various lipids is added to the edible protective antioxidant film." Claim 8 is amended to recite "a protein is added to the edible protective antioxidant film." Support for these amendments can be found throughout the specification as filed, including for example, page 4, lines 1-12, and figures 1-6.

New Claims 33-36 are added. Support for these amendments can be found throughout the specification as filed, including for example, original Claims 1, and 5-8.

Claims 4-6 are canceled. No new matter has been added by these amendments. Accordingly, Claims 1-3, and 7-36 remain pending.

Rejection under 35 USC § 103

Claims 1-32 are rejected under 35 U.S.C. § 103(a). Claims 1-6, 8-15, 17-23, 25, 27, 28-32 are rejected over Steele *et al* (WO 83/00278) in view of Grillo *et al* (U.S. 5,470,581). Claims 7 and 16 are rejected over of Steele *et al* in view of Grillo *et al*, and Kester *et al* ("An Edible Film of Lipids and Cellulose Ether"). Claims 24 and 26 are rejected over of Steele *et al* in view of Grillo *et al* and Fellow ("Food Processing Technology-Principles and Practice"). Claim 29 is rejected over of Steele *et al* in view of Grillo *et al* and Seabourne *et al* (U.S. 4,820,533).

With respect to Claim 1, the Examiner states that Steele *et al* discloses a nut composition provided with an edible coating comprising a nut and a layer of coating comprising an edible film comprising an edible compound selected from acacia gum, cellulose derivative and dextrin. However, Steele *et al* does not explicitly disclose hydroxypropylmethyl cellulose (HPMC), hydroxypropyl cellulose (HPC), methyl cellulose (MC), carboxymethyl cellulose (CMC), ethylmethyl cellulose (EMC), maltodextrin (MD) or their mixtures. According to the Examiner, Grillo *et al* teaches a protective film comprising a mixture of maltodextrin and a cellulose derivative including hydroxypropylmethyl cellulose (HPMC), hydroxypropyl cellulose (HPC), methyl cellulose (MC), carboxymethyl cellulose (CMC). According to the Examiner, Steele *et al* and Grillo *et al* are combinable because they are concerned with the same field of endeavour.

Applicants respectfully disagree and submit that Claim 1 and all claims dependent from Claim 1 are patentable for at least the following reasons.

First, Applicants maintain that there is no motivation to combine Steele *et al* with Grillo *et al*. Grillo *et al* teaches that a plasticizer is an essential element of a coating, where all claims and examples include compositions of 2.5% - 20% plasticizer. However, amended Claim 1 recites a “film *consisting of* an edible compound...” and thus do not include the plasticizer of Grillo *et al*. Therefore, Grillo *et al* teaches away from amended Claim 1. Accordingly, there is no motivation to combine Steele *et al* with Grillo *et al*, and Claim 1 is patentable over Steele *et al* and Grillo *et al*.

In addition, Applicants submit that both Steele *et al*, and Grillo *et al* disclose complex multi-component coatings that teach away from amended Claim 1. Steele *et al*, and Grillo *et al* disclose complex multi-component coatings comprising ingredients of many different classes of compounds, for example, starches, cellulose derivatives, nut skins, plasticizers, and maltodextrin. These coatings are formed by layering different classes of compounds over one another. For example, the coatings disclosed in Steele *et al* include several different classes of compounds such as: finely ground peanut skins; pregelatinized starch; a hydrophilic colloid film former, a sugar, and sodium chloride. *See* Steele *et al*, Claim 1. Similarly, Grillo *et al* discloses coatings comprising several different classes of compounds, such as: a cellulosic polymer, maltodextrin, a plasticizer, water, a detackifier, secondary film former, flow aid and colorant. *See* Grillo *et al*, Claim 24.

In contrast to Steele *et al* and Grillo *et al*, amended Claim 1 of the instant application recites a coating with antioxidative properties consisting of a single class of compound in a single layer. For example, the coating of Claim 1 consists of a cellulose derivative, a mixture of cellulose derivatives, maltodextrin, a lipid, or a combination of various lipids. In contrast, both Steele *et al* and Grillo *et al* disclose coatings comprising several layers with different classes of compounds. Accordingly, the coating of Claim 1 is at least a simplification of the coatings disclosed in Steele *et al* and/or Grillo *et al*. In other words, Steele *et al* and Grillo *et al* teach away from the instant application, and amended Claim 1 is therefore patentable.

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Additionally, Applicants submit that neither Steele *et al* nor Grillo *et al* teach or suggest the antioxidative properties of the coatings of the instant application. For at least this additional reason amended Claim 1 is patentable over Steele *et al* and Grillo *et al*.

For at least the reasons above, Applicants respectfully submit that Claims 1-3, 8-15, 17-23, 25, 27, 28-32 are nonobvious over Steele *et al* in view of Grillo *et al*, and therefore patentable. For at least the same reasons, Claims 7, 16, 24, 26, and 29 are also nonobvious and therefore patentable.

CONCLUSION

Applicants respectfully submit that by the foregoing remarks they have overcome all the Examiner's rejections and that the application is fully allowable. Applicants therefore respectfully request that the Examiner issue a Notice for Allowance.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

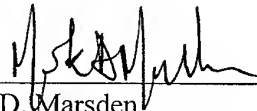
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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